

### Remarks/ Arguments

In response to the Office Final Action mailed July 1, 2008, Applicants respectfully request that the Examiner reconsider the rejections of the claims.

Claims 7 – 10, 12 – 15, and 17 – 20 remain.

Claims 7 and 15 are being amended.

Claims 7 – 10, and 12 – 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Temple*, U.S. Patent Publication 2003/0198463. Applicants respectfully traverse these rejections.

As initial matter, Applicants have noted and appreciated the Examiner comment in the Advisory Action mailed September 17, 2008, that “in order to [sic] the user to select thumbnail as in paragraph 0044, the material should be decompressed.” However, the fact remains that: (1) *Temple* never discusses the selection of *index* frames; and (2) it is improper to assume from *Temple* that decompression is being performed on the thumbnails during the *Temple* menu generation process without any identifiable teaching or suggestion to do so in the prior art. A complete analysis, which will not be repeated here for brevity and clarity, is set out in Applicants Response to Final Office Action, filed August 19, 2008.

Independent Claims 7 and 15 have been amended to further clarify that the index frames comprise intra-frames, such as those discussed in Paragraph [0020] of the Application. *Temple* clearly does not teach or suggest the use of intra-frames.

Independent Claims 7 and 15 have also been amended to particularly point out and distinctly claim that menu background image information is imported from one of a plurality of sources, including the digital versatile disk for which the customized menu is being generated.

*Temple* also does not teach or suggest the feature of selectively extracting background image data from one of a set of available sources that includes the digital

versatile disk for which a customized menu is being created. *Temple* only states that customized background images are provided by some otherwise undefined still image file. (*Temple*, Paragraphs [0039] and [0043])

Given that *Temple* does not teach or suggest the either feature of generating menus by decompressing index frames, comprising intra-frames, or the feature of selectively extracting background image data from one of a plurality of available sources including the recorded digital versatile disk, Applicants respectfully submit that the rejections of Claims 7 – 10, and 12 – 14 as obvious in view of *Temple* should be withdrawn.

Claims 15, and 17 – 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Temple*, in further view of *Biahut*, U.S. Patent 5,570,126. Applicants respectfully traverse these rejections.

The differences between *Temple* and the present claims have been described in detail above. These differences are not remedied by the teachings of the *Biahut*. As with *Temple*, *Biahut* does not teach or suggest generating menus by decompressing index frames from a DVD. Neither does *Biahut* teach or suggest that menu background image information may be selectively imported from one of a plurality of sources, including the digital versatile disk for which the customized menu is being generated. Instead, *Biahut* only discloses a system for combining multiple multimedia signals into a single composite signal. (*Biahut*, Abstract).

Applicants therefore respectfully submit that the rejections of Claims 15, and 17 - 20 as obvious in view of the *Temple* and *Biahut* should be withdrawn.

No new matter has been added; the claims have been merely amended to more particularly claim the subject matter Applicant believes is inventive. Applicant respectfully submits that the Claims as they now stand are patentably distinct over the art cited during the prosecution thereof.

Applicant respectfully requests a one Month Extension of Time to File this Response. Enclosed with this response is Form PTO/SB/22 with Extension Fees in the amount of \$130.00.

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With the addition of no new claims, no additional filing fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account Number 20-0821 of Thompson & Knight LLP.

If the Examiner has any questions or comments concerning this paper or the present application in general, the Examiner is invited to call the undersigned at (214) 969 - 1749.

Respectfully submitted,

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